

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P. No. 2347 of 2007

Date of Decision : 15.02.2007

Maluk Singh

... Petitioner

Versus

State of Punjab and others.

.. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. O.P. Nagpal, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

The petitioner was inducted into the service of the Punjab Roadways, Batala, as a conductor in the year 1975. His services were regularized in the year 1976. The bus on which the petitioner was on duty on 24.05.2002 was checked. Three passengers were allegedly travelling without tickets. The checking staff was informed by the passengers, who had been travelling without tickets, that they had paid the fair for the journey to the petitioner. On account of the statements made by the passengers, as well as, the report submitted by the checking staff, a regular departmental enquiry was conducted against the petitioner, which was initiated on the basis of the charge sheet dated 07.06.2002. The petitioner submitted his reply in response thereto. Thereafter, the Enquiry Officer in his report dated 25.04.2003 arrived at the conclusion, that the charges levelled against the petitioner had been established. On the basis of the report of the Enquiry Officer, the punishing authority, namely, the General Manager, Punjab Roadways, Batala, by his order dated 22.06.2004 (Annexure P/4) inflicted

the punishment of dismissal from service on the petitioner. Dis-satisfied with the order dated 22.06.2004, the petitioner preferred an appeal. The appeal preferred by the petitioner was partly allowed on 10.02.2006 by the Special Secretary to Government of Punjab, Transport Department. By the appellate order, the punishment of dismissal from service was converted to compulsory retirement. It is this order which is subject matter of challenge at the hands of the petitioner through the instant writ petition.

Learned counsel for the petitioner vehemently contends, that the enquiry proceedings were not conducted in consonance with the procedure envisaged under the Punjab Civil Service (Punishment and Appeals) Rules, 1970. It is also the contention of the learned counsel for the petitioner, that it was imperative for the authorities to arrive at the conclusion that the punishment inflicted on the petitioner was in public interest and since no such conclusion had been recorded in the impugned orders, the same were liable to be set aside.

We have considered the submissions advanced by the learned counsel for the petitioner but find no merit therein. A perusal of the appellate order reveals, that the statement of the petitioner was recorded by the Enquiry Officer. In his statement, the petitioner accepted the genuineness of the charges levelled against him in the charge-sheet. He also made a statement, that no enquiry should be held against the petitioner in furtherance of the charges issued to him.

In view of the aforestated statement before the Enquiry Officer, we are satisfied that the issues raised at the hands of the learned counsel for the petitioner so as to raise a challenge to the orders dated 22.06.2004 and 10.02.2006 are inconsequential.

For the reasons recorded herein above, we find no merit in this petition and the same is, accordingly, dismissed.

(J.S. Khehar)
Judge

February 15, 2007
vkd

(S.D. Anand)
Judge